

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.  
Dated: July 3, 2003  
Signature: Jennifer S. Greer  
Jennifer S. Greer

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JUL 10 2003  
TC 1700

GMU 1772

Docket No.: 60680-1281  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Bernd Bretschneider, et al.

Application No.: 09/341,225

Group Art Unit: 1772

Filed: July 7, 1999

Examiner: D. Loney

For: METHOD FOR PRODUCING A HEAT SHIELD AND  
HEAT SHIELD PRODUCED BY THIS METHOD

#21

UPDATED STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

On June 23, 2003 a status inquiry was submitted requesting that we be advised as to the status of the above -identified application. We received a telephone message on July 1, 2003 from an unnamed individual who did not leave a telephone number suggesting that the application had become abandoned in May of 2002, and that we should contact the Examiner if had any further questions. However, we did a PAIR search before submitting our status inquiry of June 23, 2003, confirming our own information that a Petition to Revive the application was granted on June 27, 2002. A copy of the page from the PAIR system along with the granted petition are enclosed.

We then contacted the Examiner. The examiner left a return message suggesting that we file another Status Inquiry including a copy of the Petition to Revive the application and request updated information concerning the application status. If the file has been lost, please let us know what papers are required and we would be happy to resubmit them.

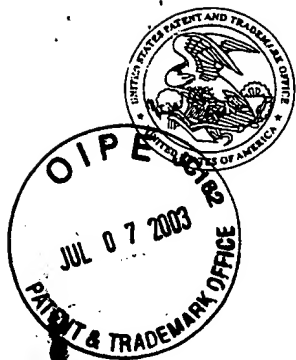
Dated: July 3, 2003

Respectfully submitted,

By Michael B. Stewart  
Michael B. Stewart  
Registration No.: 36,018  
RADER, FISHMAN & GRAUER PLLC  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, Michigan 48304  
(248) 594-0633  
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov



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Paper No. 20

Rader, Fishman & Grauer PLLC  
39533 Woodward Avenue  
Suite 140  
Bloomfield Hills, MI 48304-0610

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JUN 27 2002

OFFICE OF PETITIONS

In re Application of  
Bernd Bretschneider, et al.  
Application No. 09/341,225 ✓  
Filed: September 29, 1999  
Attorney Docket No. 60680-1281 ✓

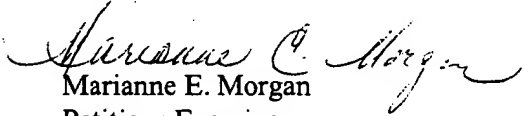
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 21, 2002, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

The application file is being forwarded to Technology Center 1700 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

  
Marianne E. Morgan  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Practitioner's Docket No. 60680-1281

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JUL 10 2003  
TC 1700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bretschneider et al.

Application No.: 09/341,225  
Filed: 09/29/1999

Group No.: 1772  
Examiner: Loney, D.

For: METHOD FOR PRODUCING A HEAT SHIELD AND HEAT SHIELD PRODUCED BY THIS METHOD

Box DAC  
Commissioner for Patents  
Crystal Park One, Suite 520  
Washington, D.C. 20231

ATTENTION: Petition Information  
(M.P.E.P. section 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. section 1.137(b)

1. This application became abandoned on April 4, 2002.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. section 1.137(b)(3)).
3. Fee (37 C.F.R. section 1.17(m))  
Application status is other than small entity-fee \$1,280.00.

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CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. section 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

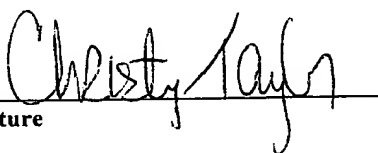
MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 5/21/02

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

  
Signature

Christy Taylor  
(type or print name of person certifying)

4. Payment of fee

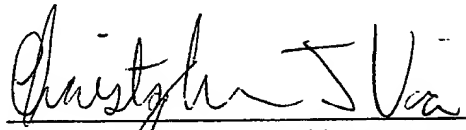
Charge Account 18-0013 the sum of \$1,280.00.  
A duplicate of this petition is attached.

5. Required Reply

Enclosed is a Request for Continued Examination and a Preliminary Amendment.

Date:

May 21, 2008



**Signature of person making statement that  
abandonment was due to unintentional delay**

Michael B. Stewart

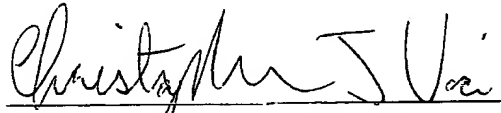
Christopher J. Voci

39533 Woodward Ave., Suite 140

Bloomfield Hills, MI 48304

Date:

May 21, 2008



Michael B. Stewart, Reg. No. 36,018

Christopher J. Voci, Reg. No. 45,184

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Bloomfield Hills, MI 48304

248-594-0600



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JUL 10 2003  
TC 1700

Practitioner's Docket No. 60680-1287 (4908REIN)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bretschneider

Application No.: 09/341,225

Group No.: 1772

Filed: 09/29/1999

Examiner: Loney, D.

For: METHOD FOR PRODUCING A HEAT SHIELD AND HEAT SHIELD PRODUCED BY THIS METHOD

Commissioner for Patents  
Washington, D.C. 20231  
BOX RCE

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**WARNING:** 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and not examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

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CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

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TRANSMISSION

[ ] facsimile transmitted to the Patent and Trademark Office (703)

Date: 5/21/02

Christy Taylor  
Signature

Christy Taylor  
(type or print name of person certifying)

**WARNING:** *A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).*

**NOTE:** *There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

**NOTE:** *Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).*

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

**NOTE:** *If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.*

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

**ENCLOSURES**

3. Enclosed herewith is/are:

**WARNING:** *If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).*

- ☐ An information disclosure (37 C.F.R. Section 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ An amendment (previously filed but unentered Amendment filed 2/8/02 )

- ☒ A PRELIMINARY AMENDMENT  
☐ New arguments  
☐ New evidence in support of patentability  
☐ Other

**FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).**

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$370.00  
☒ Other than a small entity \$740.00

Continued Prosecution Request Fee \$ 740.00

**FEE FOR CLAIMS**

**NOTE:** "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in Section 1.16; and

(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	28 Minus	20	= 8	x \$9 =	\$			x \$18 =	\$144.00
Indep.	2 Minus	3	= 0	x \$42 =	\$			x \$84 =	\$
[ ] First Presentation of Multiple Dependent Claim				+ \$140 =	\$			+ \$280 =	\$
				Total Addit. Fee	\$	OR		Total Addit. Fee	\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. Section 1.116.

*(complete (c) or (d), as applicable)*

(c) ☐ No additional fee is required.

**OR**

(d) ☒ Total additional fee required is \$ 144.00

### EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for</u> <u>(months)</u>	<u>Fee for other than</u> <u>small entity</u>	<u>Fee for</u> <u>small entity</u>
<input type="checkbox"/> one month	\$ 110	\$ 55
<input type="checkbox"/> two months	\$ 400	\$ 200
<input type="checkbox"/> three months	\$ 920	\$ 460
<input type="checkbox"/> four months	\$1,440	\$ 720
	Fee	\$ <u>110</u>

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.



Attorney Docket No. 64098-0779 (AP9184)

EV 064 961 624 US

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

**WARNING:** The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>740.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ <u>144.00</u>
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ _____
Total Fee(s) Due:	\$ <u>884.00</u>

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☐ Check is attached for the sum of \$ \_\_\_\_\_
- ☒ Charge Account 18-0013 the sum of \$ 884.00
- ☐ Charge Credit Card the sum of \$ \_\_\_\_\_  
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

- ☒ Account 18-0013
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

Attorney Docket No. 60680-1281 (4908REIN)


EV 064 962 426 US

**INVENTORSHIP**

*NOTE: Any change of inventors must be via the procedure set forth in 37 C.F.R. Section 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

9. This application as amended names as inventors:

- ☐ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48 is/has separately:
  - ☐ being filed
  - ☐ been filed

  
SIGNATURE OF PRACTITIONER

Tel. No.: (248)594-0600

Michael B. Stewart, Reg. No. 36,018  
Christopher J. Voci, Reg. No. 45,184  
*(type or print name of practitioner)*

Customer No.: 010291

39533 Woodward Ave., Suite 140  
Bloomfield Hills MI 48304

R0147388.DOC



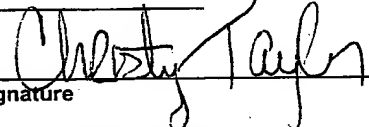
60680-1281 (4908REIN)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bretschneider et al. Group Art Unit: 1772  
Serial No.: 09/341,225 Examiner: Loney, D.  
Filed: September 29, 1999 Paper No. 14  
For: METHOD FOR PRODUCING A HEAT SHIELD AND HEAT  
SHIELD BY THIS METHOD

Attorney Docket No.: 60680-1281

Commissioner of Patents  
Washington, D.C. 22031

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
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with sufficient postage as first class mail, in an envelope	to Examiner _____ at _____
addressed to the Commissioner of Patents, Washington, DC 20231	
Date: <u>5/21/02</u>	Signature _____ Christy Taylor

PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination on the merits and in response to the Advisory Action mailed December 10, 2001 (Paper No. 13), please amend the application as follows.

IN THE CLAIMS

Please cancel claims 32 and 50 without prejudice or disclaimer.

Please rewrite claims 29 and 49 as set forth below in clean form. Additionally, in accordance with 37 CFR 1.121(c)(1)(ii), amended claims 29 and 49 are set forth in a marked up version in the pages attached to this amendment.

29. (Amended) A method of manufacturing a heat shield suitable for use in motor vehicles comprising the steps of:

providing first and second plates, each said plate having an edge region and being at least partially plastically deformable;

providing an insulating material onto said first plate to cover at least a portion of said first plate;

compacting at least a portion of said insulating material; and

connecting said edge region of said first plate to said edge region of said second plate such that said insulating material is positioned between said first and second plate, wherein said insulating material is selected from the group consisting of mica, expanded graphite, perlite, and a mica decomposition.

49. (Amended) A heat shield suitable for use in motor vehicles comprising:

a first plate that is at least partially plastically deformable;

a second plate that is at least partially plastically deformable; and

an insulating materials;

wherein said first plate is connected to said second plate and said insulating material is positioned between said first plate and said second plate and is selected from the group consisting of mica, expanded graphite, perlite, and a mica decomposition.

## REMARKS

### I. Introduction

Claims 29-31, 33-49 and 51-59 are pending in this application. With this amendment, Applicants have amended claims 29 and 49 and canceled claims 32 and 50. No new matter has been added. By action taken here, Applicants in no way intend to surrender any range of

equivalents beyond that needed to patentably distinguish the claimed invention as a whole over the prior art. Applicants expressly reserve all such equivalents that may fall in the range between Applicants' literal claim recitations and combinations taught or suggested by the prior art.

Entry of this amendment is proper because it does not raise new issues that require further consideration or search, it does not raise issues of new matter, and because it places the application in better form for appeal.

## II. Rejection of claims 29-39, 42, 44-52 and 56-59 under 35 U.S.C. § 102 (b)

Claims 29-39, 42, 44-52 and 56-59 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,316,819 to Sextl et al. ("Sextl"). The Applicants respectfully traverse this rejection.

As seen in amended claims 29 and 49, the heat shield of this invention includes an insulating material of mica, expanded graphite, perlite, and a mica decomposition. This feature is not disclosed by Sextl. In particular, Sextl discloses the use of silicon dioxide "used alone or in a mixture with other silicas or powdery substances" as an insulating material. Col. 4, lines 66-68. At no point does Sextl disclose an insulating material which does not include silicon dioxide. Sextl does not disclose every feature of the presently claimed invention. For at least this reason, the Applicants respectfully request that this rejection be withdrawn.

## III. Rejection of claims 29, 40, 41, 43, 52-55, 58 and 59 under 35 U.S.C. § 102 (b)

Claims 29, 40, 41, 43, 52-55, 58 and 59 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 3,031,358 to Rutter et al. ("Rutter") and by U.S. Patent No. 3,003,902 to McDuff ("McDuff"). The Applicants respectfully traverse these rejections.

As seen in amended claims 29 and 49, the heat shield of this invention includes an insulating material of mica, expanded graphite, perlite, and a mica decomposition. This feature is not disclosed by Rutter or McDuff. In particular, neither Rutter nor McDuff the specific nature of the of the insulating material utilized. Rutter discloses that his insulating material is a blanket. Col. 2, lines 32-34. McDuff, on the other hand, discloses that his insulating material is a mat of felted glass fibers. Col. 2, lines 16-17. At no point do Rutter

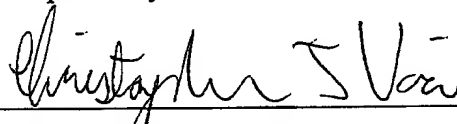
or McDuff teach or suggest vermiculite, mica, perlite, expanded carbon or combinations thereof as suitable insulating materials. Rutter and McDuff do not disclose every feature of the presently claimed invention. For at least these reasons, the Applicants respectfully request that these rejections be withdrawn.

IV. Conclusion

For the above stated reasons, the Applicants respectfully submit that the application is now in a position for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Dated: May 21, 2008

Respectfully submitted,



Michael B. Stewart, Reg. No. 36,018  
Christopher J. Voci, Reg. No. 45,184  
RADER, FISHMAN & GRAUER PLLC  
Suite 140  
39533 Woodward Avenue  
Bloomfield Hills, MI 48304  
(248) 594-0600

**MARKED UP COPY OF AMENDED CLAIM**

29. (Amended) A method of manufacturing a heat shield suitable for use in motor vehicles comprising the steps of:

providing first and second plates, each said plate having an edge region and being at least partially plastically deformable;

providing an insulating material onto said first plate to cover at least a portion of said first plate;

compacting at least a portion of said insulating material; and

connecting said edge region of said first plate to said edge region of said second plate such that said insulating material is positioned between said first and second plate, wherein said insulating material is selected from the group consisting of mica, expanded graphite, perlite, and a mica decomposition.

49. (Amended) A heat shield suitable for use in motor vehicles comprising:

a first plate that is at least partially plastically deformable;

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wherein said first plate is connected to said second plate and said insulating material is positioned between said first plate and said second plate and is selected from the group consisting of mica, expanded graphite, perlite, and a mica decomposition.